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March 27, 2002

VIA COURIER

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station, Floor 2
Boston, MA 02110

Re: D.T.E. 01-95

Dear Secretary Cottrell:

Enclosed herewith for filing in the above-captioned matter is the Rebuttal Testimony of Amin R. Jessa and Jeffrey J. Niro.

If there are any questions regarding this submittal please contact the undersigned.
Thank you for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "William S. Stowe". The signature is fluid and cursive, with the first and last names being more prominent.

Enclosures

cc: Robert Hayden, Hearing Officer
Ronald LeComte, Electric Power Division
Eric J. Krathwohl, Esq.
Kenneth Barna, Esq.
David S. Rosenzweig, Esq.
Richard Joyce, Director WMLP
Stephen P. Hannabury, Vice President Olin College

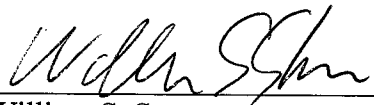
**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Franklin W. Olin College of Engineering

D.T.E. 01-95

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing documents in accordance with the Department rules.



William S. Stowe
Attorney for
Boston Edison Company
800 Boylston St., Floor 17
Boston, MA 02199

Dated: March 27, 2002

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

REBUTTAL TESTIMONY OF JEFFREY J. NIRO

D.T.E. 01-95

1 **Q. Please state your name, position with NSTAR and business address.**

2 A. My name is Jeffrey J. Niro and my business address is One NSTAR Way, Westwood,
3 Massachusetts 02090-9230.

4 **Q. Have you previously filed testimony in this case?**

5 A. Yes, I submitted pre-filed direct testimony which is marked as Exhibit JJN-1.

6 **Q. What is the purpose of your rebuttal testimony?**

7 A. My purpose is to respond to certain points that were raised in the Direct Testimony of
8 Richard P. Joyce concerning service by the Wellesley Municipal Light Plant ("WMLP")
9 to certain areas of the Town of Needham. I have not yet seen any pre-filed testimony
10 from Franklin W. Olin College of Engineering ("Olin") and, as such, I would reserve my
11 right to respond to any points that may be raised by their witnesses in testimony that has
12 not yet been presented.

13 **Q. Mr. Joyce enumerates several situations where WMLP has provided or now**
14 **provides electric service to areas in Needham. Would you please provide Boston**
15 **Edison Company's ("Boston Edison") understanding as to the service arrangement**
16 **at each location?**

17 A. Yes. Basically, I believe that Mr. Joyce has referenced four situations. These include:
18 (1) service to Babson College ("Babson"), including areas of Needham; (2) service to
19 homes along Cartwright Road; (3) service to a Massachusetts Water Resources Authority
20 ("MWRA") facility; and (4) service to customers in a Grove Street area development. I

1 will note that Mr. Joyce separately refers to Cornell Road, Lehigh Road and Grove
2 Street; however, I do not believe that these streets present a situation that is different
3 from the situation that has been described for Cartwright Road. Finally, I will note that
4 Mr. Joyce has also referred to the "temporary" service by Babson College (and/or
5 WMLP) to Olin. As what we believe to be an instance of an illegal and unauthorized
6 service, I do not consider the "temporary" service to Olin as a relevant example of prior
7 service, and indeed, since the issue of the legality of WMLP's temporary service to Olin
8 is currently pending before the Department, it should not be considered as a relevant
9 consideration in determining Boston Edison's and WMLP's service in Needham.

10 **Q. Please describe the first situation set forth above, service to the parts of the Babson,**
11 **campus located in Needham.**

12 A. It is true that WMLP has provided distribution service to Babson at its campus in
13 Wellesley. Part of the Babson campus in Wellesley legitimately straddles the Wellesley-
14 Needham border. If you refer to Attachment BE-1-1C, you can clearly see several
15 buildings clustered along the town line, with two to three of these buildings looking like
16 they are actually in both towns; however, it is a little difficult to tell from this map, or any
17 of the others that WMLP or Olin have provided. Also, on that map you can also see a
18 parking lot that straddles the border, which, Mr. Joyce indicates, receives some security
19 lighting.

1 Boston Edison has no objection to WMLP providing service to these specific locations of
2 the Babson campus in Wellesley because, in this instance, Babson is a customer that
3 legitimately straddles a municipal boundary and, as a result, is located in two service
4 territories. This seems to fit into the Department's recent decision regarding the Stop &
5 Shop facility that straddled the town line between Peabody and Salem.

6 **Q. How does Babson's receipt of service from WMLP in Needham, as described above,**
7 **differ from Olin's potential receipt of service from WMLP?**

8 A. It differs because Olin is not a legitimate, straddling customer. Olin currently has no load
9 in Wellesley and, indeed, seemed to have purchased its 1,000 square feet in Wellesley
10 only in order to take service from WMLP. Thus, it does not seem to me that Olin's
11 situation is at all similar to Babson's or to the situation along the Peabody-Salem border
12 in which the Department has recently decided that such straddling customers are
13 permitted to select their distribution company.

14 Moreover, I would like to note that there are several properties that either are or were part
15 of the Babson campus in Needham that are currently served by Boston Edison. The
16 Needham properties that were formerly on the Babson campus are now owned by Olin
17 and continue to receive their service from Boston Edison. Those properties include: 1735
18 Great Plain Avenue; 1763 Great Plain Avenue, 1795 Great Plain Avenue, 1809 Great
19 Plain Avenue and 36 Curtis Road. Boston Edison also currently serves Babson at
20 properties in Needham at: 1763 Great Plain Avenue, 46 Burrill Lane and 137 Forest

1 Street, as well as service to an assisted living facility on land owned by Babson off of
2 Central Avenue in Needham.

3 **Q. Please describe the second situation set forth above, service to the Cartwright Road**
4 **area of Needham.**

5 A. It is my understanding that the homes along Cartwright Road (as well as Lehigh Road
6 and Cornell Road) are served by WMLP out of necessity and practicality. I believe that
7 service to this area was the subject of a Department decision in the 1980s. Basically,
8 these roads, although technically located in Needham, are accessible only through
9 Wellesley streets. Accordingly, WMLP has poles and other distribution facilities on the
10 roadways leading to the Cartwright area. Further, these roads are all in the same general
11 area with dead-end streets (or streets adjoining each other) that do not proceed far into
12 Needham. At the end of these roads in Needham, there are significant wetlands that
13 separate these streets from the rest of Needham, and, accordingly, from Boston Edison's
14 facilities in Needham. For Boston Edison to have reached these locations via streets
15 would have required on the order of several miles of wires to circumvent the wetlands to
16 reach streets in Wellesley where WMLP had existing service. If Boston Edison had
17 placed service through the wetlands or over these streets into Wellesley, the costs to these
18 residential customers to provide such service would have been extremely high, especially
19 in light of their limited load. These factors all led to the conclusion that the Cartwright
20 Road area of Needham is best served by WMLP. As a result, in the Foley case (D.P.U.

1 86-45/D.P.U. 86-144), Boston Edison consented to service to these limited number of
2 customers by WMLP.

3 **Q. How does WMLP's provision of service to the Cartwright Road area of Needham,**
4 **as described above, differ from WMLP's potential service to the Olin campus in**
5 **Needham?**

6 A. There are four basic differences. First, Boston Edison has not in any way consented or
7 acquiesced to the service of Olin by WMLP in Needham as a general matter. Second,
8 Boston Edison can easily provide a reliable and economic service from its facilities on
9 Great Plain Avenue without having to install poles and lines along roads in Wellesley.
10 Third, Boston Edison can provide service to Olin without any technical or environmental
11 obstacles, such as having to traverse significant wetland areas. And fourth, given the
12 substantial load represented by Olin's new development, the proportional cost for Boston
13 Edison to serve Olin, as compared to its load, is reasonable.

14 **Q. Please describe the third situation referenced above, service by WMLP to a MWRA**
15 **facility located in Needham.**

16 A. In September 2000, Boston Edison requested that WMLP provide service to a MWRA
17 Hydrogen Sulfide Monitoring Site in Needham on Winding River Road (see Response to
18 Information Request BE-4-2, Exhibit 1). It is my understanding that such a MWRA
19 facility has virtually no load and generally pays only a monthly customer charge. Boston
20 Edison serves many like MWRA facilities at other locations. There is no building or
21 other structure for such a facility; instead, it is an enclosure that houses only a meter that

1 monitors the characteristics of the water and sewage between municipalities. Also, in
2 this instance, WMLP had existing facilities located in close proximity to the MWRA
3 facility and minimal work needed to be done to service that location. In contrast, Boston
4 Edison would have had to place several poles in a residential neighborhood, at significant
5 cost, in order to serve this de minimus load. Because of the above, Boston Edison
6 consented to and, in fact, requested, WMLP's provision of service to this location in
7 Needham. For the benefit of the customer involved, the MWRA, it simply would not
8 have made sense for Boston Edison to have incurred the cost to serve the MWRA at this
9 location.

10 **Q. How does WMLP's provision of service to the MWRA facility in Needham, as**
11 **described above, differ from WMLP's potential provision of service to the Olin**
12 **campus located in Needham?**

13 A. This situation is not comparable to the Olin situation for two basic reasons. First, Olin is
14 projected to have a very large load, up to 3-4 megawatts, and would therefore be a
15 substantial customer for Boston Edison. Second, Boston Edison has facilities along
16 Great Plain Avenue, adjacent to much of the Olin campus, and therefore interconnection
17 with Olin would not be difficult, costly or raise insurmountable technical or
18 environmental issues, in comparison to the amount of load that Olin would represent.

1 **Q. Please describe the fourth scenario discussed above, service to customers in a Grove**
2 **Street area development.**

3 A. It is my understanding that service to the Grove Street area is provided through an
4 agreement between Boston Edison and WMLP for WMLP to serve this Grove Street
5 development as a Boston Edison fringe customer, as described in my response to
6 Information Request OC-1-1. This arrangement was reached consensually among the
7 customer, Boston Edison and WMLP, and received Department approval in D.T.E. 01-
8 23. Accordingly, the homes in this Grove Street development are customers of Boston
9 Edison and Boston Edison purchases distribution service for these homes from WMLP.

10 It is important to note that this Grove Street development is in the same general area as
11 Cartwright Road, Lehigh Road and Cornell Road, discussed above. Accordingly, the
12 same geographical constraints (i.e., wetlands, access, distance, etc.) that led Boston
13 Edison to consent to WMLP's service to those streets were also considerations in Boston
14 Edison's decision to provide service to the Grove Street development as a fringe
15 customer.

16 **Q. How does the provision of service by WMLP in the Grove Street area of Needham,**
17 **as described above, differ from WMLP's potential provision of service to Olin**
18 **campus in Needham?**

19 A. WMLP is not technically providing service to customers in Needham under the fringe
20 customer agreement between Boston Edison and WMLP. Instead, WMLP is providing
21 service to Boston Edison and Boston Edison is, in turn, providing this service to its
22 customers in this part of Needham. Regarding Olin, Boston Edison could provide service

1 to the Olin campus easily, as compared to the difficulties Boston Edison would encounter
2 in providing service to the Grove Street development. Specifically, Olin is accessible
3 from a main road in Needham, Great Plain Avenue, where substantial Boston Edison
4 facilities are presently located and Boston Edison would not have to install equipment
5 along several miles of road in Wellesley. Also, Boston Edison would not have to
6 contend with significant environmental issues, such as wetlands, in providing service to
7 Olin. Therefore, Mr. Joyce's Grove Street example does not support service by WMLP
8 to Olin.

9 **Q. Does this conclude your rebuttal testimony?**

10 **A. Yes, it does.**

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

REBUTTAL TESTIMONY OF AMIN R. JESSA, P.E.

D.T.E. 01-95

1 **Q. Please state your name and business address?**

2 **A. My name is Amin R. Jessa, P.E. and my business address is NSTAR Electric**
3 **Company, 200 Calvary Street, Waltham, Massachusetts 02453.**

4 **Q. Have you previously submitted pre-filed direct testimony in this proceeding?**

5 **A. Yes, I have.**

6 **Q. What is the purpose of your rebuttal testimony?**

7 **A. Primarily, my purpose is to provide some clarification regarding the location of**
8 **the geographical areas that are in question in this proceeding and the areas that are**
9 **currently provided electric service by Boston Edison Company ("Boston Edison"**
10 **or "Company") and Wellesley Municipal Light Plant ("WMLP").**

11 **Q. Why do you believe it is important to provide this clarification?**

12 **A. Fundamentally, Boston Edison believes this case has two simple issues: What**
13 **entity has the exclusive franchise to serve the Town of Needham and in what**
14 **town is the Franklin W. Olin College of Engineering ("Olin College") located?**

15 **With respect to the first issue, I can provide some information and comment upon**
16 **the areas actually served by Boston Edison and I can review and summarize the**
17 **information that has been provided by WMLP regarding areas that they have**
18 **actually served, in each case focusing upon the area in and around Babson**
19 **College and Olin College.**

1 With respect to the second issue, I think there have been a number of plans and
2 maps that have been provided in discovery and there have also been a lot of
3 references in testimony to particular geographic areas where these references are
4 rather vague. I think it is important to demonstrate on one map, to the extent
5 possible, the relation between property lines, town lines, customers and areas now
6 or formerly served, and proposed service options for Olin College from both
7 Boston Edison and WMLP.

8 **Q. How have you attempted to do this?**

9 A. With the assistance of personnel in our drafting department and distribution
10 engineers working with me, we have prepared Exhibit ARJ-4 which is a map of
11 the Babson College and Olin College area showing the features I have previously
12 described. The basic underlying plan was provided by Olin College in discovery
13 and the remaining information on the maps is also derived from discovery
14 responses or in some cases from our own records and observations. Certain of the
15 information regarding areas served by WMLP, or matters that are internal to
16 Babson College, are not precise and represent our best estimate based upon
17 information provided. For example, the borders of the areas served by either
18 WMLP or Boston Edison depend to a certain extent upon the location of internal
19 wiring or distribution under the control of the customer and we have denoted
20 those situations by providing a scalloped or non-linear boundary between certain
21 regions.

1 **Q. Do you believe that the map which is Exhibit ARJ-4 reasonably depicts the**
2 **area in question and the information contained therein contains your**
3 **understanding of the matters depicted based upon the sources you have**
4 **identified?**

5 **A. Yes.**

6 **Q. Does this complete your rebuttal testimony?**

7 **A. Yes.**